USDA Foreign Agricultural Service
GAIN Report
Global Agricultural Information Network

Required Report - public distribution

Date: 9/18/2009
GAIN Report Number: BE9004

Belgium-Luxembourg

Food and Agricultural Import Regulations and Standards - Narrative

FAIRS Country Report

Approved By:
Stephen Huete
Prepared By:
Marcel Pinckaers

Report Highlights:
This report gives U.S. exporters an overview of food laws in force in the Netherlands. For EU harmonized regulations the report refers to the website of the U.S. Mission to the EU, http://www.useu.be/agri and GAIN Report E49058. All sections are updated.

Section I. Food Laws:

EU legislation is made up of Directives and Regulations which must be translated into the 23 official languages in use

in the EU-27. Directives define the result that must be achieved but leave to each Member State the choice of form and methods to transpose the directive into national laws (usually within 2-3 years after adoption). Regulations are binding in their entirety and automatically enter into force on a set date in all Member States. Amendments to EU legislation are usually published in new and separate Directives and Regulations.

A Decision is binding entirely on those to whom it is addressed. In Belgium, decisions are most of the times transposed into Royal Decrees. A Recommendation has no binding effect as it is not a law.

Harmonization with the EU

http://useu.usmission.gov/agri/harmonization.html

Belgium, as a member of the EU, conforms to all EU regulations and directives. **This report should therefore be read in conjunction with the Food and Agricultural Import Regulations and Standards (FAIRS) for the EU written by the U.S. Mission to the EU in Brussels, Belgium (USEU). For more information, please go to www.useu.be/agri.**

Regulation (EC) 178/2002 (General Food Law) is the harmonized regulation which sets out the general principles and requirements of EU harmonized food law. Exporters should be aware that there may also be some variation among Member States in applying EU harmonized legislation; there may be temporary waivers or exemptions and in certain cases there may be room for interpretation of EU harmonized legislation or other aspects which are not regulated in detail at EU level and may be handled differently in different member states.

Belgium

The Belgian Food and Drugs Law is called "de Wet betreffende de bescherming van de gezondheid van de gebruikers op het stuk van de voedingsmiddelen en andere produkten". This law from 1977 provides the Belgian regulatory framework for all food products. It is applicable to domestically produced and imported food and other products, including tobacco and cosmetic products. The main objective of this law is (1) health protection, (2) product safety, (3) ensuring that consumers have adequate and correct information and (4) promotion of fair trade. All amendments and supplementary food laws are published in "Het Belgisch Staatsblad/Le Moniteur Belge", which can be consulted on www.staatsblad.be or www.moniteur.be.

The Directorate-General for control of the Belgian Federal Agency for the Safety of the Food Chain (FAVV) has the responsibility for food controls. Both veterinary inspection and food inspection as well as food process standards are within the domain of the FAVV. The Federal Public Service Health, Food Chain Safety and Environment is in charge of policy and legislation on food product standards. The FAVV currently falls under the competence of the Minister of Agriculture while the Federal Public Service falls under the responsibility of the Minister of Public Health.

Federal Agency for the Safety of the Food Chain (FAVV)	Federal Public Service Health, Food Chain Safety and Environment
Contact: Mr. Marc Cornelis AC-Kruidtuin Food Safety Center Kruidtuinlaan 55 – 5th floor B-1000 Brussels Belgium	DG Animals, Plants and Food Rijksadministratief Centrum Victor Hortaplein 40 bus 10 B-1060 Brussels Belgium Phone: +32 (0)2 524.7111

Phone: +32 (0)2 211 8622 Fax: +32 (0)2 211 8640 Email: info@favv.be www.favv.be	Email: info@health.fgov.be www.health.fgov.be

Section II. Labeling Requirements:

A. General Requirements

The labeling requirements in Belgium have been laid down in the Royal Decree: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen* of September, 13 1999. They apply to pre-packed food products at the time when they are for sale for consumers. In practice, this includes retail and parts of the food service industry (catering). The labeling requirements for food products sold to the food processing industry and the remaining part of the food service industry are highlighted in Section II, 6.

Belgium follows EU legislation. For more detailed information, the reader may refer to the Belgian legislation, which is given in italics next to each item.

Compulsory information:

Description: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 3*

List of ingredients: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4*

Allergens: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4*

Net quantity: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 8*

Shelf-life: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 6 and art. 7*
If the date is influenced by the method of storage, the prescribed way of storage has to be mentioned on the label. The statements to be used are the following:

For a shelf-life up to 3 month after the date of production	Tenminste houdbaar tot / A consommer de préférence avant le (best before) Day, Month, (Year)
For a shelf-life between 3 and 18 months	Tenminste houdbaar tot einde / A consommer de préférence avant fin (best before end) Month, year
For a shelf-life longer than 18 months	Tenminste houdbaar tot einde / A consommer de préférence avant fin (best before end) Year

For Highly perishable foodstuffs	Te gebruiken tot / A consommer jusqu'au (use by) Day, Month, (Year) In addition to the date, the instructions for storage have to be mentioned as well

Name and address: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 6*

Place of origin: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 10*

Instructions for storage and/or use: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2, item 5 and item 7*

Percentage of alcohol: *koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 9*

Lot marking: *koninklijk besluit betreffende de vermelding van de partij waartoe een voedingsmiddel behoort, art. 4*

Additives:
koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4

Quinine and caffeine:
koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 4

Phytosterols & Phytostanols:
Commission Regulation 608/2004 lays down labeling requirements for foods and food ingredients with added phytosterols, phytosterol esters, phytostanols and phytostanol esters (used to reduce cholesterol levels).

Quantitative Ingredients Declaration (QUID):
koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 5

Warning on labels:
Commission Directive 2008/5/EC establishes a list of foodstuffs that require a warning on the label:

- foodstuffs whose durability has been extended by means of packaging gases
- foodstuffs containing (a) sweetener(s)
- foodstuffs containing added sugar(s) and sweetener(s)
- foodstuffs containing aspartame
- foodstuffs containing more than 10% added polyols
- confectionery or beverages containing liquorice

As of July 20, 2010, Regulation 1333/2008 (see section IV) requires foodstuffs containing the food colors sunset yellow (E110), quinoline yellow (E104), carmoisine (E122), allura red (E129) and ponceau 4R (E124) to be labeled "may have

an adverse effect on activity and attention in children". Food placed on the market or labeled before July 20, 2010, which do not comply with this provision may be marketed until their date of minimum durability or use-by-date.

Language requirements:
Belgium covers 4 language areas. The Dutch language area is located in the Northern part of Belgium whereas the French language area is located in the South. Brussels, the capital of Belgium, is bi-lingual. Finally there is a small German language area which is located in the east and borders with Germany. Language has been a very sensitive issue for many decades. This language sensitivity is reflected in the labeling requirements. The label has to be in the language or languages of the language area where the product is being marketed. *Wet betreffende de handelspraktijken en de voorlichting en bescherming van de consument, art. 13*

Considering the size of the market, most food companies only use bi-lingual Dutch/French or tri-lingual Dutch/French/German labels. FAS/The Hague recommends that U.S. exporters adopt the latter option, as it will allow for products to be marketed not only in Belgium but also in France, Germany, The Netherlands, Austria, Switzerland and Luxembourg, or a third of all EU consumers.

Stick-on labels:
Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art 10, paragraph 1
It is allowed in Belgium to use stick-on labels on pre-packed consumer products in addition to the standard U.S. label. In this case, the stick-on label shall meet all Belgian labeling requirements. They can be applied prior to export or applied in Belgium before sale. However, for meat and dairy products, stick-on labels can better be used after consulting with the Belgian FAVV.

Samples:
The labeling requirements apply to all foods destined for consumers. It does not contain any specific labeling requirements or exceptions for samples. *Wet betreffende de handelspraktijken en de voorlichting en bescherming van de consument, art. 13*

Institutional packed products:
For food products that are for the food processing and foodservice industry (except catering) product packaging does not have to comply with the labeling requirements. Purchased quantity (i.e. pallet, box, etc) must include the following information: a. the name, b. information on the producer, packer or vendor and c. the shelf life. *Koninklijk besluit betreffende de etikettering van voorverpakte voedingsmiddelen, art. 2 and art. 10, paragraph 2*

Exceptions:
Only the Federal Minister of Agriculture can grant an exception to the existing labeling regulations. The granting of an exception would be very rare.

B. Medical/Health/Nutrition Claims
The development of nutrient profiles, originally scheduled for January 2009, is being delayed until September 2009. Once the nutrient profiles, based on scientific evaluations by the European Food Safety Authority (EFSA), have been set, there will be another two-year period before the nutrient profiles begin to apply to allow food operators time to comply with the new rules. Nutrition claims can fail one criterion, i.e. if only one nutrient (salt, sugar or fat) exceeds

the limit of the profile, a claim can still be made provided the high level of that particular nutrient is clearly marked on the label. For example, a yogurt can make a low-fat claim even if it has a high sugar content but only if the label clearly states "high sugar content". Health claims cannot fail any criteria.

New products on the EU market must respect the conditions for using nutrition claims set out in detail in the Annex of Regulation 1924/2006. Products already labeled or on the market before January 2007 may remain on the market with the old labels until January 2010. From 2010, only nutrition claims included in the Annex will be allowed.

A list of well-established health function claims such as "calcium is good for your bones" will be established by January 2010, based on Member States' lists of health claims already approved at national level. Disease risk reduction claims were previously not allowed in the EU which means that there is no transitional period for such claims. Disease risk reduction claims and claims referring to the health and development of children will require an authorization on a case-by-case basis, following the submission of a scientific dossier to EFSA. Health claims based on new scientific data will have to be submitted to EFSA for evaluation but a simplified authorization procedure has been established. GAIN Report E48055 describes how application dossiers for authorization of health claims should be prepared and presented. A guidance document on how companies can apply for health claim authorizations can be downloaded from EFSA's website at http://www.efsa.europa.eu/EFSA/ScientificPanels/NDA/efsa_locale-1178620753812_1178684448831.htm.

Trade marks and brand names that suggest health and/or nutritional benefits but do not comply with the new rules must be entirely removed from the EU market within 15 years.

For the approval of claims, U.S. exporters and/or Belgian importers can send the text (claim) to:

Federale Overheidsdienst (FOD) Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu
Directoraat-generaal Organisatie Gezondheidszorgvoorzieningen
Division food, animal's food and other consumption products
Mr. Jean Pottier
Export food labeling and claims
Eurostation II
Victor Hortaplein, 40 bus 10
B-1060 Brussels, Belgium
Tel: +32 (0)2524 7362
E-mail: jean.pottiers@health.fgov.be
http://www.health.fgov.be/vesalius/devnew/NL/

Requirements specific to nutritional labeling:
In October 2008, Council Directive 90/496/EEC was amended by Commission Directive 2008/100/EC. Commission Directive 2008/100/EC updates the list of vitamins and minerals and their Recommended Daily Allowances (RDAs) and provides an EU definition of "fiber". The conditions for the use of nutrition claims such as "source of fiber" or "high fiber" are laid down in Regulation 1924/2006 (see nutrition and health claims).
Koninklijk besluit betreffende voedingsmiddelen bestemd voor bijzondere voeding

C. Product-Specific labeling

See section VII

D. Country of Origin labeling

In the EU, country of origin labeling is mandatory for beef and veal, fruit and vegetables, eggs, poultry meat, wine, honey, olive oil, aquaculture products and organic products (as of 2010). For other products, the indication of the place of origin or provenance is mandatory only if the omission of such information might mislead the consumer.

Section III. Packaging and Container Regulations:

A. Pack Sizes

Directive 2007/45/EC abolishes regulations on mandatory pack sizes at both EU and national levels. The Directive frees sizes for all prepackaged products except wine and spirits, coffee and white sugar. Member States in which mandatory nominal quantities are prescribed for milk, butter, dried pasta and coffee may maintain their restrictive rules until October 2012. The rules for white sugar may be maintained until October 2013. Mandatory nominal quantities for wines and spirits are set out in the Annex to Directive 2007/45/EC.

Koninklijk besluit betreffende het voorverpakken naar gewicht of naar volume van bepaalde produkten in voorverpakkingen

Koninklijk besluit van 15 juni 2004 tot vaststelling van bepaalde reeksen van nominale hoeveelheden en tot regeling van de aanduiding van hoeveelheden voor bepaalde voorverpakte producten

Koninklijk besluit van 19 juni 2009 tot omzetting van de richtlijn 2007/45/EG tot vaststelling van regels betreffende nominale hoeveelheden voor voorverpakte producten

C. Material in contact with food stuffs

Commission Regulation 450/2009 sets out definitions and authorization procedures for the use of materials and articles intended to come into contact with food.

Commission Regulation 2023/2006 lays down rules on good manufacturing practice (GMP) for the groups of materials and articles intended to come into contact with food listed in annex I to Regulation 1935/2004.

Exporters are advised to verify if a Member State follows EU provisions as Member States are allowed to authorize provisionally the use of certain substances not listed in one of the specific directives. They may also restrict or temporarily prohibit the use of certain materials authorized by the specific directives for reasons of public health. A summary of national legislation can be downloaded from the European Commission website at http://ec.europa.eu/food/food/chemicalsafety/foodcontact/sum_nat_legis_en.pdf.

Verklaring van overeenstemming – etikettering van materialen en voorwerpen bestemd om met levensmiddelen in contact te komen (www.favv.be);

Model van verklaring van overeenstemming voor materialen en voorwerpen bestemd om met levensmiddelen in contact te komen (www.favv.be);

Koninklijk besluit betreffende mineralen en voorwerpen bestemd om met voedingsmiddelen in aanraking te komen;

Koninklijk besluit betreffende materialen en voorwerpen van kunststof bestemd om met voedingsmiddelen in aanraking te komen;

http://www.favv.be/sp/denrAlim/den-alim_nl.asp#Contact

For more information:
Federale Overheidsdienst (FOD) Volksgezondheid, Veiligheid van de Voedselketen en Leefmilieu
Mr. Carl Berthot
Phone: +32 (0)2524 7369
carl.berthot@health.fgov.be

Wetenschappelijk Instituut
Mrs. Fabien Bolle
Phone: +32 (0)2642 5207
fabien.bolle@iph.fgov.be

FAVV
Mrs. Caroline De Praeter
Phone: +32 (0)2208 4790
caroline.depraeter@favv.be

Section IV. Food Additives Regulations:

In December 2008, the proposal for a legislative "Package on Food Improvement Agents" was adopted. The package includes four new regulations: Regulation 1331/2008 establishing a common authorization procedure for food additives, food enzymes and food flavorings, Regulation 1332/2008 on food enzymes, Regulation 1333/2008 on food additives and Regulation 1334/2008 on flavorings.

Additives:
New Regulation 1333/2008 on food additives brings the current miscellaneous additives directive and the directives on colors and sweeteners into one regulation and will apply as of January 20, 2010 (except for the transitional provisions). It provides for the establishment of an EU positive list, conditions of use and rules on the additives sold as such.

Additives that are permitted under the existing directives will be entered in the EU positive list of authorized additives (Annex II to Regulation 1333/2008) after a review of their compliance with the new provisions. This review should be completed by January 2011. Until the completion of the review, the use of food additives permitted under the current directives will continue to be permitted. An important difference from U.S. legislation is the use of flour bleaching agents: chlorine, bromates and peroxides are not allowed in the EU.
Koninklijk besluit betreffende de toevoegsel die in voedingsmiddelen mogen gebruikt worden

Labeling requirements for additives:
Koninklijk besluit tot vaststelling van de procedure voor inschrijving op de lijsten van toevoegsels en van contaminanten alsmede voor wijzigingen van diezelfde lijsten
The addition of a new food additive to the EU positive list is a lengthy process. However, any Member State can allow the domestic use of a new food additive on their territory for a two-year period. To request two-year authorization for marketing of a new additive, contact:

Federal Public Service of Public Health
DG Animal, Plant and Food
Mrs. Christine Vinckx
State Administrative Center
Arcaden Building 3rd -6th floor
B-1010 Brussels
Phone: +32-(0)2-104837
Email: apf.food@health.fgov.be

Flavorings:
Regulation 1334/2008 on flavorings and certain food ingredients with flavoring properties updates the current legislation and sets specific rules for the use of the term "natural". The EU positive list of authorized flavorings has to be adopted at the latest by December 31, 2010. The new rules will apply as of January 20, 2011.

Enzymes:
Regulation 1332/2008 on food enzymes introduces harmonized rules for their scientific evaluation and authorization in the EU and establishes labeling requirements. Until the adoption of an EU positive list of authorized enzymes, the existing national provisions on the marketing of food enzymes will continue to apply.

Processing Aids:
A list of extraction solvents allowed in the production of foodstuffs and food ingredients, along with their conditions of

use has been established in Council Directive 2009/32/EC.

Section V. Pesticides and Other Contaminants:

Pesticides:

The legislation on pesticides and contaminants is partially harmonized in the EU. Enforcement of both EU and remaining Member State rules is done at the Member State level.

The marketing and use of plant protection products is regulated by Council Directive 91/414/EEC. This Directive provides for the establishment of an EU positive list of active substances. Active substances are being reviewed under this Directive and may only be used in plant protection products when they are included in the positive list. Only products containing substances included in the positive list may be authorized for use in the EU. The currently ongoing legislative initiatives in the area of pesticides are resulting in a drastic reduction of the number of active substances, and maximum residue levels (MRLs) are being harmonized throughout the EU.

On September 1, 2008, the framework Regulation 396/2005 on maximum levels of pesticides in or on food and feed of plant and animal origin became fully applicable replacing old Directives 86/362/EEC, 86/363/EEC and 90/642/EEC.

Contaminants:

EU wide harmonized maximum levels for contaminants are set in the Annex of Commission Regulation 1881/2006. Commission Decision 2006/504/EC sets special conditions for the import of foodstuffs from certain third countries due to contamination risks by aflatoxins. An update of the Commission's "Guidance document for competent authorities for the control of compliance with EU legislation on aflatoxins" was published in March 2009. Commission Decision 2007/563/EC, an amendment to Decision 2006/504/EC, sets special conditions for the import of U.S. almonds into the EU. The decision applies to almonds in shell or shelled, roasted almonds, and mixtures of nuts or dried fruits containing almonds, and foodstuffs containing a significant amount of almonds (at least 10 percent). Official Member States controls are carried out on approximately 5 percent of consignments of foodstuffs which are covered by the "Voluntary Aflatoxin Sampling Plan" (VASP) and to each consignment of foodstuffs not covered by the VASP. More information is available on the Almond Board of California's website.

Official Controls of Maximum Levels in Foodstuffs:

The following regulations concern the sampling methods and methods of analysis for the official controls of the levels of the different contaminants. Annex I describes the methods of sampling; Annex II concerns the sample preparation and the performance criteria for the methods of analysis:

Nitrates: Commission Regulation 1882/2006
Mycotoxins: Commission Regulation 401/2006
Dioxins: Commission Regulation 1883/2006
Heavy metals: Commission Regulation 333/2007

Residues in Animals and Animal Product:

The monitoring of residues in animals and animal products is addressed separately in Council Directive 96/23/EC. This directive includes the monitoring of the above-mentioned pesticide residues but includes also the monitoring of residues of veterinary drugs and a wide range of other contaminants and undesired substances such as residues of growth promotants. The prohibition of the use of hormones in meat production is addressed in Council Directive 96/22/EEC (amended by Directive 2008/97/EC).

Section VI. Other Regulations and Requirements:

Product inspection and registration

Member States are responsible for carrying out inspections on a regular basis and in cases where non-compliance is suspected. Products can be checked at import or at all further stages of marketing. Infringements of EU food and feed legislation are reported through the Rapid Alert System on Food and Feeds (RASFF). In Belgium, the FAVV is responsible for the inspections.

Criteria for laboratories conducting food controls have been harmonized but it is the Member States' responsibility to designate laboratories that are allowed to perform analyses. A list of laboratories designated by Belgium to perform analysis can be found at the following internet link, www.favv.be. (click beroepssectoren, click laboratoria).

Section VII. Other Specific Standards:

C. Fortified foods

Regulation 1925/2006 establishes an EU-wide regulatory framework for the addition of vitamins, minerals and certain other substances such as herbal extracts to foods. It lists the vitamins and minerals that may be added to foods and sets criteria for setting maximum and minimum levels. The Commission proposal setting minimum and maximum levels, originally scheduled for January 2009, is being delayed until the end of 2009. The use of vitamins and minerals not included in the annexes to Regulation 1925/2006 is not allowed. However, Member States may under certain conditions provide for a temporary derogation (until January 19, 2014) for vitamins and minerals not included in the annexes. Foods not complying with the new rules may be marketed until December 31, 2009, if they were put on the market or labeled before July 1, 2007 (date of entry into force of the regulation).

D. Dietetic or special use foods

New framework Directive 2009/39/EC consolidates Directive 89/398/EEC and all its amendments into a single text and lays down rules for foodstuffs intended for particular nutritional uses. These are foodstuffs which, due to their special composition or manufacturing process, can clearly be distinguished from foodstuffs for normal consumption. Commission Directive 2001/15/EC lists the chemical substances in each category of nutritional substances (vitamins, minerals and amino acids) that may be added for specific nutritional purposes in foodstuffs for particular nutritional uses.

Specific directives on foods and beverages for sports people or on foods intended for diabetics are still subject to Member State legislation. The introduction of foodstuffs intended for particular nutritional uses for which no specific rules are set must be notified to the Member State where the food is sold. The competent authority for Belgium is:

Federal Public Service of Public Health
Division food, animal's food and other consumption products
Victor Hortaplein, 40 bus 10
B-1060 Brussels, Belgium
Phone: +32.(0)2524 7351-52
Fax : +32.(0)2524 7399
E-mail: apf.food@health.fgov.be

F. Wine, Beer and other Alcoholic beverages

Council Regulation 479/2008 reorganizes the way the EU wine market is managed. It establishes general rules, applicable as of August 1, 2009, on oenological practices, designations of origin and labeling. Measures for the adoption of Regulation 479/2008 were published on July 24, 2009 (Official Journal L 193).

Commission Regulation 606/2009 lays down detailed rules for implementing Regulation 479/2008 as regards permitted oenological practices. Annex I A sets out the oenological practices authorized in the EU and the conditions for their use. For experimental purposes, Member States may authorize the use of certain oenological practices not provided for in the relevant EU regulations for a maximum of three years. Annex I B sets out the maximum allowed sulphur dioxide contents: 150 mg per liter for red wines, 200 mg per liter for white and rosé wines.

Commission Regulation 607/2009 lays down detailed rules for implementing:

- Chapter IV of Title III of Regulation 479/2009 relating to protected designations of origin and geographical indications
- Chapter V of Title III of Regulation 479/2008 relating to traditional terms
- Chapter VI of Title III of Regulation 479/2008 relating to the labeling and presentation of wine sector products.

G. Organic foods

Council Regulation 834/2007 lays down a new legal framework for organic production and the labeling of organic

products. Title IV of this new regulation lays down general rules for the labeling of organic products; Title VI covers trade with third countries. Commission Regulation 889/2008 lays down detailed rules for the implementation of Regulation 834/2007 with regard to production, labeling and control. The use of an EU organic logo will become mandatory for products produced in the EU but will be optional for organic products from third countries. However, due to "technical" problems with the design, the use of a new EU organic logo will be delayed until July 2010. Regulation 834/2007 entered into force on January 1, 2009 and repeals Council Regulation 2092/91. The new EU rules on organic food labeling are explained in GAIN report E48106.

Commission Regulation 1235/2008 lays down rules for the implementation of Regulation 834/2007 as regards the arrangements for imports of organic products from third countries. In order to export organic products to the EU, third countries must prove that their production standards are equivalent to the EU standards. For third countries currently not included in the EU's equivalency list, such as the U.S., the Commission will compile a list of recognized control bodies and control authorities. To be included in the EU list, U.S. control bodies/authorities must submit a technical dossier. The Commission will only consider complete dossiers submitted before October 31, 2011. To avoid trade disruptions, Regulation 1235/2008 establishes transitional rules allowing Member States, until January 1, 2013, to continue to grant authorizations to importers of U.S. organic products on a case-by-case basis. Authorizations will expire at the latest 24 months after the publication of the first list of control bodies/authorities. Shipments of organic products must be accompanied by the model certificate established by Regulation 1235/2008.

While organic standards have been set at the EU level, implementation and enforcement of the regulation is the responsibility of the individual member states. This member state responsibility also extends to imports of organic products. For the importation of organic products from outside the EU, the Belgian importer needs an import authorization. Requesting and processing of an import authorization is handled by both Ecocert (http://www.ecocert.be/) and Integra (http://www.integra-bvba.be/). More information on the organic market can be found at GAIN Report NL6024.

M. Seafood

Detailed information on exporting U.S. seafood to the EU is available in the 2009 update of the "How to export seafood to the European Union" guide which can be downloaded from http://useu.usmission.gov/agri/_private/How%20to%20export%20seafood%202009.pdf.

N. Pet Food

The current EU rules (detailed information available on the U.S. mission to the EU website) which are scattered over a series of directives and regulations have a direct impact on the production and marketing of pet food. In June 2009, a new framework regulation was adopted which will replace the existing rules and implement labeling and marketing rules in a more uniform way. Labeling rules will be similar to those for food for human consumption, i.e. ingredients must be listed in descending order of weight. If the presence of a certain feed material is emphasized, its exact percentage by weight must be indicated. The new regulation has not been published yet in the Official Journal but will probably enter into force in the beginning of 2010.

Section VIII. Copyright and/or Trademark Laws:

Copyright

Belgium and the U.S. are both members of the Universal Copyright Convention of Geneva. As a consequence, the copyright of works by U.S. authors, copyrighted in the U.S., is also protected in Belgium.

Trademarks

Council Regulation 207/2009 lays down rules for the registration of Community trademarks. It creates a single, unitary registration system covering the whole Community.

In practice, a Community trademark must meet two conditions: it must be a sign which can be represented in graphic form, and it must make it possible to distinguish goods and services from those of another company. It is valid for a period of 10 years. Applications for registering Community trademarks under these regulations may be filed with the Alicante, Spain, based Office of Harmonization for the Internal Market, subject to the fees set out in Commission Regulation 2869/95, or at a national industrial property office in a Member State of the European Union.

On completion of the registration procedure, the trademark is registered in the Register of Community trademarks.

The Community Trademark did not replace the existing trademark laws of the member states but co-exists alongside national trademarks. Directive 2008/95/EC approximates the laws of the Member States relating to trademarks.

Trademark registration in Belgium is based on Benelux legislation. Registration can be obtained for all 3 Benelux countries (Belgium, Netherlands and Luxembourg) through one process. Applications for trademark registration in the Benelux can be sent to:
Benelux Merkenbureau (Benelux Trademark Office),
Bordewijklaan 15,
2591 XR The Hague (Den Haag), The Netherlands,
Tel. +31-(0)70-3491111
Fax +31-(0)70-3475708
E-mail: info@bmb-bbm.org

In the Benelux countries, an international trademark can also be registered, as regulated by the Treaty of Madrid. This trademark offers protection in all nine EU countries that signed the convention.

Section IX. Import Procedures:

Council Regulation 2913/92 establishes the Community Customs Code. Commission Regulation 2454/93 lays down provisions for the implementation of the Code. The Code lists all the customs procedures applicable to the trade in goods with third countries. Import duties are determined by the tariff classification of goods and by the customs value. With the implementation of the Code, the Member States of the European Union form a customs union which means that all the Member States apply the same tariff on goods imported from outside the EU. Once an imported good is cleared in one Member State, it can move freely throughout the EU.

The EU uses the Combined Nomenclature (CN) for the customs classification of goods. The CN eight digit code numbers are based on the Harmonized System (HS) nomenclature: the first six digits refer to the HS headings. The two following digits represent the CN subheadings. The EU's on-line customs database can be consulted to look up commodity codes and relevant import duties: http://ec.europa.eu/taxation_customs/dds/tarhome_en.htm

It is also possible to obtain Binding Tariff Information (BTI) from a member state's customs authority to get the proper product classification. Through this system, traders know in advance the tariff classification of the goods they intend to import. BTI is legally binding in all the member states. Information on how to obtain a BTI can be downloaded from the European Commission's Taxation & Custom's website at
http://ec.europa.eu/taxation_customs/customs/customs_duties/tariff_aspects/classification_goods/index_en.htm
A list of customs authorities can be found at http://ec.europa.eu/taxation_customs/common/links/customs/index_en.htm
The customs value of a good is the CIF price at the European border derived from the product price found on the invoice and the transportation costs reflected in the airway bill or the bill of lading.

Goods are only released after payment of the import duty and other taxes that may be due. Duties payable on goods imported into the EU may include:

- import duty (expressed as ad valorem tariffs or specific tariffs per unit weight/volume/number of pieces)
- additional duties on flour and sugar (processed products)
- entry price (fruit and vegetables)
- environmental taxes - not harmonized
- inspection fees - not harmonized
- Value Added Tax (VAT) - not harmonized
- excise duties (alcohol and tobacco) - not harmonized

A list of VAT rates applicable in the different Member States can be found on the Internet at
http://ec.europa.eu/taxation_customs/taxation/vat/consumers/vat_rates/index_en.htm

A list of excise duties applicable on alcoholic beverages and tobacco can be found at http://ec.europa.eu/taxation_customs/taxation/excise_duties/alcoholic_beverages/rates/index_en.htm and http://ec.europa.eu/comm/taxation_customs/taxation/excise_duties/tobacco_products/rates/index_en.htm respectively.

Other customs procedures described in detail in the Code include entry into free zones, situations where no import duty is payable: e.g. the inward processing regime, under which goods can be imported for processing but the finished product must be exported from the Community market. The Code also provides for a two-stage right of appeal lodged in the Member State where a decision has been taken or applied for: in the first instance to the customs authority, then to the national courts.

Proposal: The modernised Community Customs Code (Regulation (EC) 450/2008) simplifies legislation and streamlines customs process and procedures for the benefit of both customs authorities and traders. Furthermore, the modernised Customs Code
- Introduces the electronic lodging of customs declarations and accompanying documents as the rule;
- Promotes the concept of centralised clearance, under which authorised traders are able to declare goods electronically and pay their customs duties at the place where they are established, irrespective of the Member State through which the goods are brought in or out of the EU customs territory or in which they will be consumed.
-Offers a basis for the development of the Single Window and one-stop-shop concepts. Under the Single Window concept, economic operators provide information for import and export, required by customs and non-customs legislation, in a simple and efficient way - through a single entry point - even if the information should reach different administrations/agencies. Consequently, the controls on goods for various purposes can be performed at the same time and at the same place ('one-stop-shop' concept). It is not yet fully applicable due to several transition derogations.

More info on the Belgian customs offices can be obtained at the webpage http://www.fiscus.fgov.be or from:

Administratie der douane en accijnzen
North Galaxy
Koning Albert II laan 33
B - 1030 Brussels
Phone: +32 (0) 257 62111

More information about the Belgian import regulations and standards can be obtained by contacting FAS/The Hague:
Marcel Pinckaers
Office of Agricultural Affairs
U.S. Embassy
Lange Voorhout 102
2514 EJ The Hague, The Netherlands
Tel: +31-(0)70-3102299
Fax: +31-(0)70-3657681
Email: agthehague@fas.usda.gov
www.usembassy.nl/fas.html

Appendix I. Government Regulatory Agency Contacts:

1) All Belgian legislation is published in the Belgian official journal "Het Belgisch Staatsblad"/"Le Moniteur Belge". This journal is edited by the Federal Public Service Justice and can be consulted on-line at www.staatsblad.be or www.moniteur.be.

Federal Public Service Justice
Information officer:
Nathalie Leclercq
Waterloolaan 115,
B-1000 Brussels
Tel: +32-(0)2-5427164
Fax: +32-(0)2-5427039

E-mail: info@just.fgov.be
www.just.fgov.be

2) European legislation can be found at:
http://europe.eu.int/eur-lex/en/search/search_lif.html

3) Belgian food legislation is updated by the Federal Public Service Public Health
Federal Public Service Public Health
DG Animals, Plants and Food
Victor Hortaplein, 40 bus 10
B-1060 Brussels
Tel: +32-(0)2-5248502
Email: apf.dg@health.fgov.be
http://www.health.fgov.be/

4) Enforcement of food legislation and inspections, both veterinary and food, are the competence of the Federal Agency for the Safety of the Food Chain (FAVV)
Federal Agency for the Safety of the Food Chain (FAVV)
AC-Kruidtuin
Food Safety Center
Kruidtuinlaan 55 – 5th floor
B-1000 Brussels
Belgium
Phone: +32 (0)2 211 8622
Fax: +32 (0)2 211 8640
Email: info@favv.be
www.favv.be

5) Belgian Customs
Administratie der douane en accijnzen
North Galaxy
Koning Albert II laan 33
B - 1030 Brussels
Phone: +32 (0) 257 62111

Appendix II. Other Import Specialist Contacts:

1) The Belgian federation of importers and distributors:
FEDIS
Sint-Bernardusstraat 60,
B-1010 Brussels
Tel: +32-(0)2-5373060
Fax: +32-(0)2-5394026
Email: info@fedis.be
www.fedis.be

2) The Belgian federation of food distribution
Belgafood
Sint-Bernardusstraat 60,
B-1010 Brussels
Tel: +32-(0)2-5373060
Fax: +32-(0)2-5394026
Email: belga@fedis.be

3) Organic certification in Belgium is carried out by two certification bodies:

ECOCERT Belgium
Av. de l'Escrime 85 Schermlaan
B-1150 Bruxelles – Brussels
Tel: +32-(0)81-600377
Fax: +32-(0)81-600313
E-mail: info@ecocert.be
www.ecocert.be

BLIK vzw
Statiestraat 164a
B-2600 Berchem
Tel: +32-(0)3-2873750
Fax: +32-(0)3-2873751
Email: info@blik.be
www.blik.be

4) For information on other federations, i.e. food industry federations, please contact the Office of Agricultural Affairs at the U.S. Embassy in The Hague, the Netherlands:

Marcel Pinckaers
FAS/The Hague
Lange Voorhout 102
2514 EJ, The Hague
Tel: +31-(0)70-3102299
Fax: +31-(0)70-3657681
Email: agthehague@usda.gov
www.usembassy.nl/fas.html